

DETAILED ACTION

Examiner's Amendment

1. An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

On page 1, lines 8-10 of the specification, the phrase “ ,and from the following U.S. provisional applications: serial no. -----“ has been deleted.

Claim 24 has been replaced with:

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24. (Amended) A computer program device comprising:
a computer program storage device readable by a digital processing apparatus; and
a program on the program storage device and including instructions executable by the digital processing apparatus, the program comprising:
computer readable code means for billing a user for the provision of digitized packetized audio or video content from the Internet via a wireless network path to a user terminal associated with the user, including at least one of:
means for receiving a request for a piece of content from the user, the means for billing generating accounting data based at least in part on the request;

means for generating accounting data based at least in part on a number of packets sent to the user via the path;

means for generating accounting data based at least in part on a content subscription for content; and means for generating accounting data based at least in part on a type of user terminal;

wherein the means for billing generates accounting data based at least in part on a number of packets sent to the user via the path.

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Claim 26 has been canceled.

As per claim 29, line 1, "28" has been changed to - - 24 - - .

Authorization for this examiner's amendment was given in a telephone interview with John Rogitz on October 14, 2009.

Allowable Subject Matter

2. The following is an examiner's statement of reasons for allowance:

Claims 1-5, 8, 10, 12-17, 22, 24, 29, 30, 31-34 and 35 are allowable over the art of record as per the Board of Patent Appeals and Interferences decision dated 2/27/2009.

Conclusion

3. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Frantzy Poinvil whose telephone number is (571) 272-6797. The examiner can normally be reached on Monday-Thursday from 7:30AM to 5:00PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Alexander Kalinowski can be reached on (571) 272-6771. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

**/Frantzy Poinvil/
Primary Examiner
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/FP/
October 22, 2009